

**United States Environmental Protection Agency
Region IX
POLLUTION REPORT**

Date: Monday, August 02, 2004

From: Janet Yocum, OSC

<p>To: Peter Guria, ERS Rich Martyn, ERS Bob Mandel, ERS Chris Reiner, ERS Mark Mjonnes, EPA Eugene Rainwater, EPA Karl Busche, Hazmat</p>	<p>Lisa Boynton, HQ Celeste Temple, ERS Andrew Helmlinger, ERS Peggy Delatorre, EPA Teresa Johnson, Alameda County Fire Marshal Robin Clemens, START</p>
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Subject: FBI Support, Assessment and Order
Lottastuff
2040 Williams, San Leandro, CA

POLREP No.:	1	Site #:	09LW
Reporting Period:	04/16/04-07/31/04	D.O. #:	
Start Date:	4/16/2004	Response Authority:	CERCLA
Mob Date:	4/16/2004	Response Type:	Time-Critical
Completion Date:		NPL Status:	Non NPL
CERCLIS ID #:	CAN000906074	Incident Category:	Removal Action
RCRIS ID #:		Contract #	

Site Description

The property is an extremely large commercial warehouse complex of multiple one and two-story structures that include executive offices and converted living quarters among several hundred thousand square feet of warehouse space. The physical address of the site is: 2040 Williams Street, San Leandro, Alameda County, California. The coordinates of the site are N 37°71'64", W 122° 16'48".

The property is bounded to the north by a retail shopping center, and bounded to the south, west and east by manufacturing or commercial operations and other light industry. Public access to the facility is unrestricted.

Based on informant information deemed credible, ATF and FBI secured a sealed search warrant to enter property and a warehouse structure owned by Harold Chapman at 2040 Williams Street ("Site"), in an industrial area of San Leandro, Alameda County. On Tuesday, 4/13/04, ATF contacted EPA and requested technical assistance at the site during the execution of the warrant. EPA was invited to and attended a detailed tactical briefing in Oakland on 4/14/04. Present at this meeting were members of city and county fire departments, law enforcement organizations, hazardous materials teams and various other federal agencies. Hazardous materials were suspected to be present at the site.

At 0602 on 4/15/04, SWAT teams, accompanied by members of ATF and FBI, entered the site to execute the warrant. Five suspects were taken into custody for questioning. Once the property was secured, members of the FBI Hazardous Materials Response Unit and Hazardous Materials Response Teams entered the building to assess its suitability for entry by the ATF and FBI evidentiary collection teams. The HMRU and HMRT were accompanied by Alameda County Sheriff's department bomb squad during this reconnaissance.

During this reconnaissance, a 14-minute video tape was taken of an interior room, referred to here as the "chemical room", showing various containers of unknown origin or contents, in various condition, from good to poor, some with visible markings indicating "flammable" or "corrosive" characteristics.

FBI HMRU and HMRT secured the chemical room. Cleared by the hazardous materials teams, ATF and Alameda County bomb squad entered the building to secure against any threat from explosives. Cleared by these EOD teams, FBI evidence collection teams entered the site to collect evidence. Alameda County Fire Marshal red-tagged the building, declaring it unsafe for occupancy at the conclusion of the warranted search, when the FBI/ATF forces and EPA demobilized.

Current Activities

A. On April 16, 2004, EPA and START provided assistance at the decon line to SWAT operators that entered the facility during the warranted search.

B. April 20, 2004, EPA and START return to the site, under the authority of the Fire Marshal to conduct inventory of the chemical room. Verbal access was given by Mr. Harold Chapman, then revoked by his attorney before the inventory was completed.

C. On April 25, 2004, EPA, START and Chapman's attorney and other representatives conducted a walk-through to identify some immediate areas of concern. At the request of the attorney, the visit was video-taped. During this visit, Chapman's representatives mentioned there was a shipping container on the property that contained "spilled mercury." START conducted a lumex survey of the identified 40-ft. shipping container located outside the facility, and noted mercury vapor ranging between 4,000-20,000 $\mu\text{g}/\text{m}^3$. This was brought to the attention of the attorney and Chapman's representatives. Chapman's attorney indicated they will conduct a response to address the hazard within the containers, voluntarily.

D. On May 5, 2004, EPA received the first work plan for responding to the mercury container, from Morgan Environmental Services, Inc. (MESI), Chapman's contractor.

E. On June 29, 2004, MESI removed the mercury-contaminated floorboards from the mercury container, generating 4 1-cu.yd. tri-wall boxes and 1 55-gallon drum of waste.

F. EPA issued an Unilateral Administrative Order (UAO) to Chapman on July 19, 2004.

Planned Removal Actions

EPA participated in a technical conference with Chapman's attorney and contractor on July 28, 2004. The contractor will provide one comprehensive work plan and provide that information to EPA as required under the UAO. The "chemical room" has been prioritized, and will be the first area targeted for removal activities.

Key Issues

Chapman is in the business of purchasing materials, equipment and miscellaneous at auctions and reselling through his web sites, "lottastuff.com" and "almostscrap.com". Additionally, he actively leases out portions of the site to various businesses. Chapman has been directed through the order to control materials coming onto the site and leaving the site to ensure no additional hazardous materials are added to the inventory. However, his personnel do not have a current inventory of materials on the site, and do not know the contents of various containers located on the property.

epaosc.net/lottastuff